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EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 12/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/880,070

Applicant(s)

TSUDA, HIROSHI

Examiner

Etienne P LeRoux

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7,8 and 10-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7,8 and 10-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

Continued Examination

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/15/2004 has been entered.

Claims Status

Claims 1-5, 7, 8 and 10-21 are pending. Claims 6 and 9 have been cancelled. Claims 1-5, 7, 8 and 10-21 are rejected as detailed below.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 7 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites "the collected document." There is insufficient antecedent basis for "the collected document." For purposes of this Office Action, examiner assumes "the collected documents" for the above limitation.

Claim 7 recites “determining *a document* which is to be collected” and also “computing a reference score indicating a level at which *a document* is referenced only by *a document* in the positive sample document group based on the reference” and also “collecting *a document* having a high reference score as *the document* to be collected.” The scope of the invention cannot be determined because it is unclear how many documents applicant is claiming, i.e., one, two, three or four documents. Furthermore, it is difficult to determine the antecedent basis for “the document.” For purposes of this Office Action, examiner will assume no difference exists between above documents. Still further, the scope of the invention cannot be determined because the difference, if any at all, is not readily apparent between the following limitations: (1) determining a document which is to be collected, and (2) collecting a document having a high reference score as the document to be collected. Still further, claim 7 includes “a reference score,” and also “a high reference score.” It is unclear whether above scores are the same score or a different score. For purposes of this Office Action, examiner assumes there is no difference between above scores.

Claim 8 recites “a document” *seven* times and also includes “the document.” The scope of the invention is difficult to determine because it is unclear how many documents applicant is claiming. For purposes of this Office Action, examiner assumes there is no difference between above documents.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 16 is rejected under 35 U.S.C. 102(e) as being anticipated by US Pat No 6,327,590 to Chidlovskii et al , hereafter Chidlovskii.

Claim 16:

Chidlovskii discloses:

- transmitting information for retrieval of the documents to a server [col 3, lines 1-5]
- receiving the document [col 3, lines 1-5, col 3, lines 30-40] retrieved separately from inside and outside the community according to the information for retrieval together with information indicating a significance level [col 3, lines 30-40] for the community

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 10, 11, 14, 15, 18, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat No 6,675,170 issued to Flake (hereafter Flake) in view of admitted prior art disclosed by Flake.

Claim 1:

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Flake discloses a method for collecting documents linked to each other from a network by crawling the network [Fig 1, 104] comprising:

- collecting documents equal to or larger, in number, than a predetermined value [one or more seed documents 100, Fig 3, shows three] from inside a community [baseball per col 4, lines 33-44, col 4, lines 64-67] based on a reference of the document
- collecting documents from inside and outside the community based on the reference of collected documents after collecting the documents equal to or larger in number than the predetermined value from inside the community [Fig 1, 102, col 4, lines 23-32, community of related sites 102, Fig 1].

Flake discloses the elements of instant claim as noted above. Flake fails to disclose collecting documents equal to or larger, in number, than a predetermined value through the network. Flake as admitted prior art discloses collecting documents equal to or larger, in number, than a predetermined value through the network [col 1, line3s 55-63]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Flake to include collecting documents equal to or larger, in number, than a predetermined value through the network as taught by Flake as admitted prior art for the purpose of providing a user with highly ranked documents relating to the field of interest of the user [col 1, lines 55-63].

Claim 10:

Flake discloses summarizing said collected document group based on a referencing expression used in the collected document group [col 4, lines 23-32]

Claim 11:

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Flake discloses assigning a keyword to the collected document based on a referencing expression used in the collected document [col 4, line 16].

Claim 14:

Flake discloses counting a reference frequency at which each collected document is referenced by the referencing expression when the number of different documents is smaller than a predetermined value; and determining whether or not the referencing expression is assigned as the keyword based on the number of different documents and the reference frequency [col 4, lines 19-22]

Claim 15:

Flake discloses combining the keyword based on the referencing expression with a keyword extracted from text of the collected document, and a keyword extracted from information indicating a position in the network about the collected document [col 3, lines 12-35]

Claim 18:

Flake discloses:

- a next prospect determination unit determining a prospect to be collected next based on a reference between a positive sample document group which is a document group related to a field and a negative sample document group which is a document group less related the field; and
- a document collection unit collecting the prospect from the network [col 8, lines 1-10, col 4, lines 23-32]

Claim 19:

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Flake discloses a computer-readable recording medium recording a program used to direct a computer to control collection of a document from a network, comprising: collecting documents equal to or larger, in number, than a predetermined value from a community through the network based on a reference of the document; and collecting documents from inside and outside the community based on the reference of collected documents after collecting the documents equal to or larger, in number, than the predetermined value from inside the community [col 3, lines 12-35, col 4, lines 23-32]

Claim 21:

Flake discloses a computer data signal embodied on a carrier expressing a program used to direct a computer to control collection of a document from a network, said program allowing the computer to perform the process comprising: collecting documents equal to or larger than, in number, a predetermined value from inside a community in the network based on a reference of the document; and collecting documents from inside and outside the community based on the reference of collected documents after collecting documents equal to or larger, in number, than the predetermined value from the community [col 3, lines 12-35 and col 4, lines 23-32]

Claims 2, 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flake as applied to claim1 above, and further in view of US Pat No 6,269,368 issued to Diamond (hereafter Diamond).

Claim 2:

Flake discloses the elements of claim 1 as noted above. Flake fails to disclose computing a significance level indicating a level of significance of the collected document according to the

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reference of the collected document and information about a position of the collected document in the network. Diamond discloses disclose computing a significance level indicating a level of significance of the collected document according to the reference of the collected document and information about a position of the collected document in the network [col 12, lines 52-67]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Flake to include disclose computing a significance level indicating a level of significance of the collected document according to the reference of the collected document and information about a position of the collected document in the network as taught by Flake for the purpose of matching a document to the substance of the query [col 12, lines 52-67].

Claim 3:

Flake discloses wherein said document to be collected is determined separately for inside the community and for outside the community [col 4, lines 23-32].

Claim 4:

Flake discloses presenting a result of retrieving the collected documents separately for inside the community and outside the community [col 3, lines 24-30].

Claims 7, 8 12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flake in view of US Pat No 6,269,368 issued to Diamond (hereafter Diamond).

Claims 7, 8 and 20:

Flake discloses:

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- providing a positive sample document group [source documents, col 4, lines 49-55] which is a document group relating to a field, and a negative sample document group [sink documents, col 4, lines 49-55] which is a document group less related to the field
- determining a document which is to be collected and is related to the field based on a reference to the positive sample document group and the negative sample document group by computing a reference score [col 1, lines 55-63] indicating a level at which a document is referenced only by a document in the positive sample document group based on the reference

Flake discloses the elements of instant claim as noted above. Flake fails to disclose collecting a document having a high reference score as the document to be collected.

Sundaresan discloses collecting a document having a high reference score as the document to be collected [col 14, lines 64-67]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Flake to include collecting a document having a high reference score as the document to be collected as taught by Sundaresan for the purpose of selecting a candidate for further review [col 14, lines 64-67]. The skilled artisan would have been motivated to improve the invention of Flake per the above such that the process of selecting a resume of a job applicant's most qualified for a position can be automated [col 6, lines 54-64].

Claim 12:

Flake discloses the elements of claim 1 as noted above.

Flake fails to disclose not assigning a keyword based on the referring expression when the referencing expression is used regardless of a content of a referenced document.

Official Notice is taken that not assigning a keyword based on the referring expression when the referencing expression is used regardless of a content of a referenced document

The ordinarily skilled artisan would have been motivated to modify Flake per the above for the purpose of searching for new material that is not covered by a keyword.

1. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Flake in view of Pub No US 2002/0065671 to Goerz et al (hereafter Goerz).

Claim 13:

Flake discloses the elements of claims 1 and 11 as noted above.

Flake discloses counting a number of different documents referenced using the referencing expression [col 3, lines 30-35]. Flake fails to disclose not assigning the keyword based on the referencing expression when the number of different documents is equal to or larger than a predetermined value. Goerz discloses not assigning the keyword based on the referencing expression when the number of different documents is equal to or larger than a predetermined value [paragraph 55]. It would have been obvious to modify Flake to include not assigning the keyword based on the referencing expression when the number of different documents is equal to or larger than a predetermined value for the purpose of performing a key word search on a database of limited size [paragraph 55]. The skilled artisan would have been motivated to improve the invention of Flake per the above such that keyword searching is only used when the database being searched contains a limited number of documents and the task of the user is thus simplified because the user does not have to manually review search results containing a plurality of documents [paragraph 55].

2. Claims 5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flake in view of US Pat No 6,078,913 issued to Aoki et al (hereafter Aoki).

Claims 5 and 17:

Flake discloses the elements of claims 1 and 2 as noted above.

Flake discloses a next prospect determination unit determining a prospect to be collected next based on a reference of a collected document; and a document collection unit collecting the prospect from the network, wherein said document collection unit collects the prospect from inside and outside the community after collecting documents larger in number than a predetermined value from inside the community [Fig 1 and col 4, lines 23-32]

Flake fails to disclose a community determination unit determining whether or not the prospect is in a community in the network according to information indicating a position in the network of the prospect.

Aoki '913 discloses a community determination unit determining whether or not the prospect is in a community in the network according to information indicating a position in the network of the prospect [Fig 1 and col 5, lines 12-35].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Flake to include a community determination unit determining whether or not the prospect is in a community in the network according to information indicating a position in the network of the prospect as taught by Aoki '913.

The ordinarily skilled artisan would have been motivated to modify Flake per the above for the purpose of improving the invention by providing information regarding whether the information is in the local system or in the remote system

Response to Arguments

Applicant's arguments filed 6/15/2004 have been fully considered but they are not persuasive.

Applicant States:

Applicant states in the second paragraph on page 2, "Please cancel claims 6-9 and amend claims 10 and 11 in accordance with the following:"

Examiner Responds:

Examiner maintains above is a typographical error because claims 7 and 8 have not been canceled. For purposes of supra Office Action, it is assumed claims 6 and 9 are canceled.

Applicant Argues:

Applicant states in the first paragraph on page 8 "Thus, the method taught by Flake does not meet the limitation 'collecting documents equal to or larger, in number than a predetermined value from inside a community' and 'collecting documents from inside and outside the community based on the reference of collected documents.'"

Examiner Responds:

Examiner is not persuaded. Applicant is referred to above Office Action which maps above limitations to the Flake reference. However, in the best interests of advancing prosecution, a more detailed analysis is provided below. Flake in Fig 1 and column 4, line 24

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through column 6, line 28 discloses a method for partitioning a database containing a plurality of documents into desired and undesired type documents. Flake commences with one or more prototype or seed documents [Fig 1, 100]. Figure 1 shows three such seed documents. The collection of the prototype or seed documents are referred to as a source document. The user supplies these one or more seed documents [col 5, line 36]. The seed documents are related to the topic of interest to the user, in this case an interesting web page such as baseball [col 4, lines 33-44 and column 5, line 36-38] The above consideration shows that Flake reads on above claim 1 limitation "collecting documents equal to or larger, in number than a predetermined value from inside a community"

Furthermore, Flake discloses that a database is subsequently searched and mapped based on the above seed documents [column 5, lines 38-41]. This disclosure by Flake reads on the claim 1 limitation "collecting documents from inside and outside the community based on the reference of collected documents"

Applicant Argues:

Applicant states in the second paragraph on page 8 "As discussed above, claim 1 recites a significantly different operation than what is disclosed by Flake. To ensure that the smallest cut set has been properly identified, Flake has to determine that there are no links between any of the documents in the cut set and the remaining documents. In comparison, the present invention starts with an existing community of documents and collects documents within that community, up to a predetermined number 'based on a reference' and then collects additional documents both inside and outside the community based on the reference.' This is a process that can be stopped at any time, either by the system or the user, with information that may be useful to the user."

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Examiner Responds:

Examiner is not persuaded. Applicant is referred to above Office Action where the correct references to the disclosure by Flake is identified. However, for easy convenience of the reader, the relevant sections of Flake is given below. Flake discloses starting with one or more seed documents [Fig 1, 100]. The one or more seed documents form a source document. This source document is related to a community, i.e., baseball. Using this source document, Flake discloses performing a search on the world wide web (WWW). The WWW includes documents inside the community and outside the community. The result of the search is that a first subset is returned to the user [Fig 1, 102]. The first subset comprises a complete community of related WWW sites. The second subset comprises all document not included in the first subset.

Applicant Argues:

Applicant states in the third paragraph on page 8 "It is apparent from the statements in the paragraph at column 4, lines 11-22 of Flake, that the keywords have already been assigned when they are compared and thus, there is nothing in this paragraph teaching or suggesting 'assigning a keyword to the collected documents based on a referencing expression used in the collected documents' (claim 11, lines 2-3). Therefore, it is submitted that claim 11 further patentably distinguish[es] over Flake."

Examiner Responds:

Examiner is not persuaded. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the time period when a keyword is assigned) is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification

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are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant Argues:

In the second paragraph on page 9, Applicant argues that examiner provided no reason why it would have been obvious to modify the Flake reference in order to meet the limitations of claim 7.

Examiner Responds:

Examiner is not persuaded. Applicant's arguments are moot based on examiner's new art rejection which was necessitated by applicant's amending of claim 7.

Applicant Argues:

In the third paragraph on page 9, Applicant argues that examiner provided no reason why it would have been obvious to modify the Flake reference with reference to the Sato reference in order to meet the limitations of claim 8.

Examiner Responds:

Examiner is not persuaded. Applicant's arguments are moot based on examiner's new art rejection which was necessitated by applicant's amending of claim 8.

Applicant Argues:

In the paragraph linking pages 9 and 10 applicant argues that Flake does not disclose the claim 13 limitation "not assigning the keyword based on the referencing expression when the number of different documents is equal to or larger than a predetermined value."

Examiner Responds:

Examiner is not persuaded. Applicant's arguments are now moot based on supra new art rejection.

Applicant Argues:

Applicant on pages 10 and 11 argues features of claims 16, 18 and 20. Examiner maintains applicant's comments are now moot based on supra new art rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne LeRoux whose telephone number is (571) 272-4022.

The examiner can normally be reached on Monday – Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (571) 272-4023.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Etienne LeRoux

12/06/2004



SAFET METJAHIC
SENIOR PATENT EXAMINER
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